

CIVIL DOCKET

UNITED STATES DISTRICT COURT

Jury demand date: 11-27-74 by Pltf.

D. C. Form No. 106A Rev.

TITLE OF CASE	ATTORNEYS
<p>TOPPER OIL COMPANY, vs DIAMOND SHAMROCK CORPORATION, VS ROBERT P. ALVES, Counter-defendant.</p>	<p>For plaintiff: Lance Stockwell Boesche, McDermott & Eskridge 1300 National Bank of Tulsa Bldg. Tulsa, OK 74103 583 1777</p> <p>For defendant: W. E. Notestine P.O. Box 631 Amarillo, Texas 79173 James L. Kincaid 2400 First National Tower Tulsa, OK 74103 586-5680 W.M. Sutton Harlow Sprouse A. W. SoRelle III P.O. Box 9158 Amarillo, Texas 79105</p>

STATISTICAL RECORD	COSTS	DATE	NAME OR RECEIPT NO.	REC.	DISB.
J.S. 5 mailed 12-1-74	Clerk	11-8-74	Stockwell	15 00	15 00
J.S. 6 mailed 11-1-77	Marshal	11-14-74	C/D #22		
Basis of Action: Violation of Antitrust Laws & Clayton Act.	Docket fee				
Action arose at:	Witness fees				
	Depositions				

DATE	PROCEEDINGS	Date Order or Judgment Noted
11-8-74	1. Complaint, filed & summons issued. k	
11-18-74	U.S. Marshals service returned and filed. Executed by serving summons upon Diamond Shamrock Corporation by serving Corp. Co., service agent. (USM \$4.00)jj	
11-27-74	2. First Amended Complaint, filed. v -JURY TRIAL DEMANDED-	
12-4-74	3. First set of interrog. to deft., filed.k	
12-9-74	4. Deft.'s First Request for Production of Documents Pursuant to Rule 34, filed. v	
12-9-74	5. First Set of Interrogatories Propounded by Deft. to Pltf., filed. v	
12-9-74	6. Answer of Deft., filed. v	
12-13-74	MO: Parties are directed to hold PT conf. on or before 1-24-75 & file PT Order on or before 1-31-75. (AEB-J)k cps by cert. ml	
1-6-75	7. Notice of taking depositions of Herschel Sorrels & Reilly Epps, filed.k	
1-7-75	8. Joint appl. for continuance of PT conf. til appl. of parties to reset, filed.k 0-4-0-5	
1-9-75	9. Motion of deft. to vacate notice of taking depositions and motion for protective order, filed.k	
1-9-75	10. Memorandum brief supporting deft's mot. to vacate & Mot. for protective orders, filed.k	
1-9-75	MO: It is ordered by the Court that pltf. is granted ten days to respond to deft's mots. to vacate & for protective order. (AEB-J)k	
1-10-75	11. Order, filed striking PT conference, to be re-set on next pre-trial docket. (AEB-J)g <i>again scheduled</i>	
1-10-75	12. Appl. of pltf. for time to ans. deft's first set of interrog. until such time as deft. has responded to pltf's first set of interrog., filed.k 0-4-0-5 <i>come on</i>	
1-10-75	13. Pltf's response to deft's first request for production of documents pursuant to rule 34, filed.k	
1-10-75	14. Memorandum in support of obj. to request for prod. of documents, filed by pltf. k	
1-16-75	15. Appl. of pltf. for ext. of time to respond to def. mo/vacate & protective order, filed. rm 0-6-9	
1-17-75	16. Order, filed, granting pltf. until 1-29-75 to respond to deft's mo/vacate notice of depositions & mo/protective order. (AEB-J)hm (copies mailed)	
1-22-75	Order, filed, transferring case to Judge H. Dale Cook. (AEB-J)k	

CONTINUED

DATE	PROCEEDINGS	Date Order or Judgment Noted
1-27-75	17. Appl. of Deft. Diamond Shamrock Corp. for time to ans. pltf's interros. after rulings on discovery motions, filed.k <i>o to J</i>	
1-28-75	18. Order, filed, extending time for def. to ans. pltf. interrogatories.(HDC-J)rm-copiesmailed	
1-28-75	19. Motion for order for production of documents and things for inspection, copying or photographing and motion for further protective order, filed. ds	
1-28-75	20. Memorandum in support of defendant's motion to compel production of documents' motion for protective order; and opposition to plaintiff's application for extension of time to answer interrogatories, filed. ds	
1-28-75	Minute Order: Ordered by the Court that plaintiff's respond to defendants motion for production of documents with a response brief within ten days of this date. (HDC-J) ds	
1-29-75	21. Response to Memorandum brief supporting Deft.'s Mot. to Vacate and Mot. for Protective Order, filed by Pltf. v	
2-7-75	22 Appl. of Topper Oil Co. for 15 days to reply to the Mot. for Order for Production of documents & things for inspection & Mot. for further protective order, filed.k <i>o to J</i>	
2-7-75	23. Order, filed, granting pltf. an addit. 15 days from 2-7-75 to reply to mo/order for prod. of documents & things for insp., copying or photographing & motion/further protective order. (HDC-J)hm (copies mailed)	
2-24-75	24. Memorandum in reply to deft's motion to compel production of documents and motion for further protective order, filed. lm	
3-6-75	MO: Case set for hearing on pltf's objections to request of deft. for documents numbered 3(a), 3(b), 3(c), 3(l), 3(o), 3(p), & requests numbered 4, 40, 42, 43, 45, 46 & 49 3-27-75 at 10:30 a.m. (HDC-J)hm	
3-7-75	25. Appl. of Deft.for Continuance (Pltf. states no obj.), filed. v (o)	
3-7-75	26. ORDER, filed, that this case is stricken from the Mot. Docket of 3-27-75, to be reset. (HDC-J)v -copies mld.	
3-7-75	27. Order sustaining deft's motion to vacate notice of taking depositions and overruling deft's motion for protective order, filed; deft. given 15 days from date to file ans. to pltf's interrog; pltf. given 15 days thereafter to ans. deft's interrog & requests for documents, with certain exceptions. (HDC-J)hm (copies mailed)	
3-24-75	28. Objections and answers to first set of interrog. propounded by pltf. to deft., filed. hm <i>to be sent brief in support</i>	
3-28-75	29. Memorandum in support of deft's obj. to first interros., filed.g	
4-7-75	30. Pltf's application for an additional 10 days from 4-8-75, within which to respond to the 1st set of interrog. of Diamond Shamrock, filed.(HDC-J) b O to J	
4-7-75	31. Order granting ext. of time, filed, granting pltf. an addit. 10 days from 4-8-75 to ans. first set of interrog. (HDC-J)hm (copies mailed)	

DATE	PROCEEDINGS	Date Order or Judgment Noted
4-10-75	32. Joint applic. for leave to withdraw objections to deft's first request for production of documents and to withdraw motion to compel production, filed. hm	
4-11-75	33. Order granting leave to withdraw objections and motion, filed. (HDC-J)hm (copies mailed)	
4-18-75	34. <u>Answers</u> by pltf. to def. first set of interrogatories, and <u>objections</u> to certain interrog., filed. rm	
6-10-75	MO: Case set for pre-trial 7-7-75 at 2:45 p.m. (HDC-J)hm	
6-12-75	35. Joint appl. of parties for continuance of pre-trial, filed. rm 0	
6-20-75	36. Order filed, allowing for Continuance of Pre-Trial Conference set for 7-7-75 to be stricken and reset at a later date. (HDC-J) cps mld mm	to be reset on app. 7-21-75
7-21-75	37. Pltf's mot. for leave to file second amended complaint pursuant to Rule 15(a) FRCP, filed. k	
7-22-75	38. Order granting leave to file second amended complaint, filed. (HDC-J) (copies mailed)	
7-22-75	39. Second amended complaint, filed. hm	
8-8-75	40. Deft's application for extension of time within which to answer second amended complaint, filed. b 0 to J	
8-8-75	41. Order, filed, granting deft. until 8-26-75 to ans. second amended complaint. (HDC-J)hm (copies mailed)	
8-26-75	42. Ans. to 2nd Amended Compl., filed. v	
10-8-75	MO: Case set for pre-trial hearing 11-10-75 at 1:15 p.m. (HDC-J)hm	
10-24	Deposition (2 envelopes) of Robert P. Alves on behalf of defendant, filed. (\$1452.00)g	
10-30	Deposition of Hershel Don Sorrells, filed (rec'd in unmarked envelope.)g	
10-30	Depositions of Riley Epps and Robert V. Heard, filed. (rec'd in unmarked envelope).	
10-30	Deposition of Alan Dodson, filed. (rec'd in unmarked envelope)g	
10-31	43. Mtn. of pltf. for Leave 3rd Amended Complaint, filed w/ Consent of Deft. Diamond Shamrock Corp. jj 0 to J	
11-3	44. Order, filed, granting pltf. leave to file Third Amended Complaint. (HDC-J)g <i>mailed</i>	
11-3	45. Third amend. complaint, filed, with demand for jury trial. g	
11-6	46. Answer to third amended complaint and deft's original counterclaim, filed, adding Robert P. Alves as counterdefendant. hm	
11-6	47. Entry of appearance of Robert P. Alves, filed. (Lance Stockwell as atty.)	
11-10	48. Sppl. answers to first set of Interrogs. propounded by pltf. to deft., filed. tc	
11-10	MO: Case called for PT hearing. Statements made. Deft. granted leave (cont.)	

D. C. 110A Rev. Civil Docket Continuation

DATE	PROCEEDINGS	Date Order or Judgment Noted
	to file motion and brief in support by 12-19-75. Pltf. given until 1-16-76 to respond to def't's motion; def't. given to 1-30-76 to file reply brief. Pltf. requests an addit. PT be set subsequent to Court's ruling on motions to be filed. Court requests status report be filed 15 days after ruling on motions. (HDC-J)hm	
11-26-75	49. Pltf. second set of interrogs. to Deft., filed. tc	
11-28-75	50. Pltf. appl. for ext. of time to ans. to counterclaim of Diamond Shamrock Corporation from Nov. 26 to Dec. 11, & odr. granted, filed. (JCS-CC)tc	
11-28	51. Ctr-Deft. appli. for ext. of time to ans to counterclaim of Diamond Shamrock Corporation from November 26 to Dec. 11, & odr. granted, filed. (HDC-J)Approved for filing. (copies mailed)	cps 6 Att mld.
12-11-75	52. Deft's. Appl. for Ext. of Time, filed. tc 0-5	JCS cps Att mld.
12-11	53. Separate Answer of counter-def. Alves to counterclaim of def. Shamrock, filed. rm	
12-11	54. Separate Answer of pltf. to original counterclaim of Diamond Shamrock, filed. rm	
12-12	55. Ordered that the following filing dates be fixed: December 31, 1975: Defendant's Preliminary Motions to be filed., January 28, 1976: Plaintiff's Responses to be filed., February 11, 1976 Defendant's Replies to be filed, (HDC-J)tc cps.mld.	
12-31	56. Deft's objections and answers to second set of interrog. propounded by pltf. to def't., filed. hm	
12-31	57. Memorandum in support of def't's obj. to second set of interrog. propounded by pltf. to def't., filed. hm	
12-31	58. Motion for S/J by def't. & for partial S/J on counterclaim, filed. hm	
12-31	59. Memorandum-brief in support of def't's motion for S/J. filed. hm	
1-26-76	60. Appli. of pltf and counter-def't for ext. of time from 1-28-76 to 2-12-76 to file responses to motions for S/J and motion for partial S/J filed by def't., filed. lm (o to J).	
1-26	61. Order, filed, establishing following dates for filing pleadings: 2-12-76 for pltf's & counter-def't's responses; 2-26-76 for def't's replies. (HDC-J)hm (copies mailed)	
2-12	62. Brf. of Robert P. Alves in response to Deft's. Mot for partial Summary Judgment, filed. t	
2-13	63. Pltf's compilation of standard contracts and forms, filed. ph	
2-13	64. Brief of Topper Oil Co. in response to mo. for S/J and to mo. for Partial S/J, filed. ph	
2-19	65. Suppl. add. to brief of pltf. in response to mo/SJ, with affidavit of Fred A. Bonkamp attached, filed. rm	
2-26	66. Brief of def. Diamond Shamrock in reply on mo/SJ, filed. rm	
1975-27-	67. Order, filed, that mo/SJ and for Partial S/J on Counterclaim filed by def't., Diamond Shamrock is overruled. (HDC-J)ph parties called & cps mld	
6-20	MO: Case set for PT hearing on 9-7-77 at 9:00 a.m. (HDC-J)hm	
7-13	MO: Case set for J/T 10-17-77 at 9:30 a.m.; trial briefs, req. instr. & req. voir dire to be filed on or before 10-3-77. (HDC-J)hm (notices mailed)	

DATE	PROCEEDINGS	Date Order or Judgment Noted
7-15-77	68. 2nd Set of Interrogatories Propounded by Deft. to Pltf., filed.jj	
8-5	69. Notice to take depos. of J. Dee Coon at Tulsa, OK on 8-23-77, filed. ph Sub.issued.	
8-5	70. Notice to take depos. of D. M. Cahill, Jr. on 8-24-77 at Tulsa, OK, filed. ph Sub. issued.	
8-5	71. Notice to take depos. of Elizabeth Stowell Hager at Tulsa, OK, on 8-25-77, filed. ph Sub. issued.	
8-5	72. Notice to take depos. of John Setser at Tulsa, OK, on 8-25-77 filed. ph Sub issued.	
8-5	73. Notice to take depos. of Ralph Judy at Tulsa, OK, on 8-19-77, filed. ph Sub. issued.	
8-5	74. Notice to take depos. of Robert John Alves on 8-18-77 at Tulsa, OK, filed. ph Sub. issued.	
8-5	75. Notice to take depos. of Wayne Boan at Tulsa, OK, on 8-18-77, filed. ph Sub. issued.	
8-5	76. Notice to take depos. of Dorothy Alves at Tulsa, OK 8-17-77, filed. ph Sub. issued.	
8-15	-- Return on U.S. Marshal's Service, Subpoena & Notice, fld. Served Robert John Alves in Tulsa on 8-10-77 w/fees of \$8.96. Served D. M. Cahill, Jr. in Tulsa on 8-15-77 w/fees of \$5.48. Served J. Dee Coon in Tulsa on 8-9-77 w/fees of \$5.00. Served Wayne Boan in Tulsa on 8-9-77 w/fees of \$5.00. Served Ralph Judy in Tulsa on 8-9-77 w/fees of \$6.20. Served John Setser in Tulsa on 8-10-77 w/fees of \$5.00. Served Elizabeth Stowell Hager in Tulsa on 8-9-77 w/fees of \$10.52. Served Dorothy Alves by serving Kathy Alves in Tulsa on 8-9-77 w/fees of \$5.00. Served John Joseph Alves in Tulsa on 8-11-77 w/fees of \$2.06. TOTAL FEES OF \$53.22. v	
9-7	MO: Case stricken from PT assignment of this date, pending settlement. (HDC-J)hm	
10-3	Stipulation of dismissal, filed. ph	
10-4	-- Order, as part of stipulation, filed and entered, that case is dismissed with prejudice and w/o costs to any of the parties. (HDC-J)ph cps mld to Douglas L. Inhofe c/o Conner, Winters for distribution.	
1980	DEPOSITIONS returned to parties. hm	
7-15-80		